

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TAKIA WALTON, DANYLLE)
MCHARDY, GEORGE DE LA PAZ JR.,)
KEVIN JACOBS, and FEIONA DUPREE,)
Individually, and on behalf of all others)
similarly situated,)

Plaintiffs,)

v.)

PUBLIX SUPER MARKETS, INC,)

Defendant.)

CIVIL ACTION FILE NO.
1:19-CV-4466-LMM

DECLARATION OF ERIN KING

I, Erin King, pursuant to 28 U.S.C. § 1746, state as follows:

1. The facts in this declaration are based on my personal knowledge. I understand that I am not required by Publix Super Markets, Inc. (“Publix”) or any other person or entity to submit this declaration. My decision to do so is voluntary.

2. I am the Director of Compensation and Paid Time Off Benefits for Publix. I began working for Publix in 1990 and moved into my current role in July 2019. Prior to becoming the Director of Compensation and Paid Time Off Benefits, I held the position of Director of Associate Relations. During my tenure with Publix

I also held the position of Director of Corporate Compliance and Director of Training Development.

3. Publix is an employee-owned supermarket chain that operates 1,230 stores across seven (7) states in the Southeastern United States. Publix organizes its store locations into 122 local districts, which are divided among 15 regional territories. 187 Publix stores locations are in Georgia.

4. Publix is headquartered and has its principal place of business in Lakeland, Florida.

5. As Director of Compensation and Paid Time Off Benefits for Publix, I oversee Publix's pay philosophy and am responsible for directing the company's pay practices and strategies. My department's work includes conducting periodic reviews of job positions to determine whether they are appropriately compensated compared to industry standards, as well as making determinations concerning job positions' exempt or non-exempt status.

6. I am familiar with Publix's Department Manager positions, including Bakery Department Managers and Deli Department Managers, and the work they perform.

7. I am also familiar with Publix's Assistant Department Manager positions, including Assistant Bakery Department Managers and Assistant Deli Department Managers, and the work they perform.

8. Each Publix store location is subdivided into different departments, with each department led by a department-specific manager and an assistant manager.

9. Department Managers supervise Assistant Managers.

10. Managers set their assistants' hours and schedules, assign Assistant Department Managers to supervise other associates, and direct their assistants' work. Department Managers also make recommendations on associates who are ready to be promoted to Assistant Department Manager roles.

11. Publix has paid Assistant Department Managers hourly and classified them as non-exempt for the entire time period relevant to this case.

12. Since December 27, 2014, Assistant Department Managers have been classified as non-exempt, receiving hourly pay and overtime wages.

13. Department Managers, by contrast, were classified as exempt from December 27, 2014 to March 29, 2019 and paid a salary.

14. Since March 30, 2019, Department Managers have, like Assistant Department Managers, received hourly pay.

15. In other words, for the entire time period relevant to this case, Department Managers and Assistant Managers have been classified, and paid, differently.

16. Opt-in Plaintiff Jovanovich Roberts works for Publix in Florida, lives in Florida, and has always been paid in Florida by Publix. Roberts has never worked or been paid by Publix in Georgia.

17. During the time period spanning from 2017 to early 2019, Department Managers' individual management styles and practices had a direct impact on the degree to which some Assistant Department Managers were entrusted with significant managerial responsibility.

18. One Department Manager, for example, might delegate significant managerial responsibility to her Assistant Manager, while another store might have Department Managers that direct their Assistants to perform mainly production tasks.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 11, 2019.

Erin King
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